

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

Cison
P.I.

FILE: B-220635

DATE: October 18, 1985

MATTER OF: EVCO National

DIGEST:

Allegation that the low bid was below cost does not provide a valid basis on which to challenge a contract award. Such a protest questions the bidder's responsibility, which GAO does not review except in limited circumstances not present here.

EVCO National (EVCO) protests the award of a contract to Morin Industries under solicitation No. DADA03-85-B-0047 issued by the Department of the Army for the interior painting of buildings at Fitzsimons Army Medical Center, Aurora, Colorado. EVCO essentially contends that the price bid by Morin could not cover the cost of applying two coats of paint as required by the specifications.

We dismiss the protest.

An agency's acceptance of a below-cost bid is not legally objectionable and does not provide a basis upon which a contract award may be challenged. Roller Bearing Company of America, B-218414.2, May 14, 1985, 85-1 C.P.D. ¶ 542. Rather, whether a bidder will be able to meet contract requirements in light of its offered price is a matter of responsibility to be determined by the contracting officer. Alan Scott Industries, B-219096, June 20, 1985, 85-1 C.P.D. ¶ 706. Our Office does not review a contracting officer's affirmative determination that a firm is responsible absent a showing that the determination may have been made fraudulently or in bad faith or that definitive responsibility criteria in the solicitation were not met. 4 C.F.R. § 21.3(f)(5) (1985); Traffic Marketing Development Services, U.S.A., Inc., B-218983, June 6, 1985, 85-1 C.P.D. ¶ 653. Neither exception is alleged here.

for *Ronald Berger*
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